



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

September 14, 2017

Certified Mail: 70170660000089091123

Sean Wilson
Blue Racer Midstream LLC
5949 Sherry Lane
Suite 1300
Dallas, Texas 75225

**Re: Blue Racer Midstream – Berne Plant
Notice of Violation (NOV)
Air Permit
Monroe County
0656065005**

Division of Air Pollution Control

Subject: Notice of Violation/Resolution of Violation

Dear Mr. Wilson:

Ohio EPA conducted a review of the required monitoring, recordkeeping and reporting for Blue Racer Midstream – Berne Plant facility. The goal of this review was to determine Blue Racer Midstream – Berne Plant compliance with respect to monitoring, recordkeeping and reporting with Ohio's Division of Air Pollution Control's laws as found in Chapter 3704 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of the facility's permits-to-install and operate (PTIO): PTIO P0116371, issued September 2, 2014; PTIO P0121257; issued April 26, 2017 and PTIO P0121779, issued April 26, 2017.

Findings

As a result of the review, Ohio EPA has determined that the following violations of Ohio's ORC Chapter 3704, OAC Chapter 3745, and Blue Racer Midstream – Berne Plant's permit terms and conditions.

- 1. ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

PTIO P0116371, Term C.3.e)(3) for EU F001: *Within 30 days from the final issuance of this permit, the permittee shall submit their proposed Work Practice Plan to the Southeast District Office.*

- (a) PTIO P0116371 was issued on September 2, 2014; therefore, the work practice plan was due by October 2, 2014. The work practice plan was received by the

Ohio EPA Southeast District Office on December 16, 2016, 806 days late. Therefore, the facility was in violation of the permit terms outlined above from October 2, 2014 until December 16, 2016.

Resolution of Violation

Blue Racer submitted a work practice plan on December 16, 2016, as required by PTIO P0116371, Term C.3.e)(3). Therefore, this violation is considered resolved and no further action is required at this time.

- 2. ORC chapter 3704.05(C):** *“No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions.”*

PTIO P0121257, Term C.8.e)(2) for EU P801: *The permittee shall comply with the equipment leak standards for onshore natural gas processing plants established in 40 CFR §60.5400 as follows:*

60.5400(e)	<i>The permittee must comply with the provisions of 60.487a except as provided in 60.5422.</i>
60.487a	<i>Reporting requirements.</i>

40 CFR §60.487a (a): *Each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator beginning 6 months after the initial startup date.*

- (a) Blue Racer Midstream – Berne Plant commenced operation on January 22, 2015; therefore, the initial semiannual leak detection and repair (LDAR) inspection report was due on July 22, 2015. Ohio EPA received the initial LDAR report on February 1, 2016, 194 days late. Therefore, the facility was in violation of the permit terms outlined above from July 22, 2015 until February 1, 2016.

Resolution of Violation

After the initial February 1, 2016 LDAR inspection, inspections have occurred semiannually through July 26, 2017. Therefore, this violation is considered resolved and no further action is required at this time.

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to Ohio Revised Code section ORC Section 3704.06.

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Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact me at (740) 380-5201 or by e-mail at sandra.colegrove@epa.ohio.gov.

Sincerely,



Sandy Colegrove
Environmental Specialist II
Ohio EPA - Division of Air Pollution Control
Southeast District Office

SC/cs

ec: James Kavalec/John Paulian, DAPC/CO
Melisa Witherspoon, DO/SEDO
John Rochotte, DAPC/SEDO
Brian Dickens, USEPA/Region V